



U.S. Department of Justice

Environment and Natural Resources Division

March 24, 1992

FEDERAL EXPRESS

James D. McCoy, III
Assistant United States Attorney
United States Attorney's Office
District of South Carolina
Room 318, Federal Building
300 East Washington Street
Greenville, South Carolina 29601

Re: United States of America v. ABCO Industries, Ltd., et al., Civil Action No. 6:92-0153-20 (D.S.C.)

Dear Mr. McCoy:

Enclosed for your signature and filing with the Court are an original and two copies of a Motion to Enter the Consent Decree in the above-captioned action. The United States lodged this Consent Decree on January 17, 1992, and published a notice of the lodging in the Federal Register. Publication of this notice commenced the 30-day public comment period required by the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9622(i).

The 30-day public comment period has expired and no comments have been submitted. Therefore, entry of the Consent Decree is appropriate.

Please file the enclosed Motion and proposed Order at your earliest convenience. At such time as the Court enters the Consent Decree, I would very much appreciate receiving a copy of the signed Order, so that I can serve the appropriate parties. I have enclosed a self-addressed envelope for this purpose.

Also enclosed is a signature page to the Consent Decree that was omitted at the time the Consent Decree was lodged with the Court. Please have the Clerk of the Court append the signature page to the already filed Consent Decree.



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Thank you for your cooperation. If you have any questions, please call me at FTS 368-4046 (202-514-4046).

Sincerely,

Barry M. Hartman
Acting Assistant Attorney General
Environment and Natural Resources
Division

BY: Adam M. Kushner
Adam M. Kushner
Trial Attorney
Environmental Enforcement Section

cc: Elaine Levine, Esq.
Ralph Howard
Mary Jane Norville, Esq.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	6:92-0153-20
ABCO INDUSTRIES, LTD.,)	
BASF CORPORATION, COLONIAL)	
HEIGHTS PACKAGING, INC.,)	
ETHOX CHEMICALS, INC.,)	
EVODE-TANNER INDUSTRIES, INC.,)	
MILLIKEN & COMPANY, NATIONAL)	
STARCH AND CHEMICAL)	
CORPORATION, and SPECIALTY)	
INDUSTRIAL PRODUCTS, INC.,)	
)	
Defendants.)	
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MOTION TO ENTER CONSENT DECREE

Comes now the plaintiff, the United States of America, on behalf of the United States Environmental Protection Agency ("EPA"), and moves the Court to enter the Consent Decree herein. As grounds to support this motion, plaintiff states:

1. The Consent Decree in the above-captioned case was lodged with the complaint on January 17, 1992, and a Notice of Lodging of the Consent Decree was also filed on that date.
2. Pursuant to Section 122(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9622(d)(2), and Title 28, Code of Federal Regulations Section 50.7 (28 C.F.R. § 50.7), the plaintiff must

notify the public of its right during a thirty-day period to submit comments on the Consent Decree before the Court may execute and sign and enter the Consent Decree.

3. The Department of Justice, in accordance with these provisions published a notice in the Federal Register notifying the public of the proposed Consent Decree. That Notice was published on January 29, 1992 at 57 Fed. Reg. 3440.

4. The United States has received no public comment on the proposed Consent Decree.

Wherefore, the plaintiff moves this Court to enter the Consent Decree herein.

Respectfully submitted,

BARRY M. HARTMAN
Acting Assistant Attorney General
Environment and Natural Resources
Division

DATE: *March 26, 1992*

By: *Adam M. Kushner*
ADAM M. KUSHNER
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources
Division
United States Department of Justice
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(202) 368-4046, FTS 514-4046

E. BART DANIEL
United States Attorney
District of South Carolina

DATE:

By: _____
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OF COUNSEL:

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(404) 347-2641 x-2277

LAWRENCE GRONER
Office of Enforcement
United States Environmental
Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
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v.)	CIVIL ACTION NO.
)	6:92-0153-20
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ETHOX CHEMICALS, INC.,)	
EVODE-TANNER INDUSTRIES, INC.,)	
MILLIKEN & COMPANY, NATIONAL)	
STARCH AND CHEMICAL)	
CORPORATION, and SPECIALTY)	
INDUSTRIAL PRODUCTS, INC.,)	
)	
Defendants.)	

ORDER

This cause comes upon the plaintiff's Motion to Enter the Consent Decree that was previously filed with this Court. Notice of the proposed Consent Decree has been provided to the public and the public has been given 30-days to file objections to the proposed Consent Decree. Counsel for the United States has informed this Court that no public comments were filed.

It is, therefore, ORDERED, ADJUDGED and DECREED that the plaintiff's Motion to Enter the Consent Decree be GRANTED and the same hereby is GRANTED.

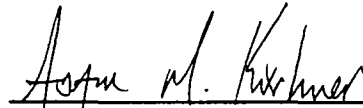
DONE, this the _____ day of _____, 1992.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that, on March 24, 1992, I sent a copy of the United States of America's Motion to Enter Consent Decree by first-class mail, postage pre-paid to the Chairperson of the Medley Farms Superfund Site Steering Committee as follows:

Mary Jane Norville
King & Spalding
191 Peachtree Street
Atlanta, GA 30365



ADAM M. KUSHNER

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. ABCO Industries, Ltd. et al., relating to the Medley Farm Superfund Site.

Specialty Industrial Products, Inc.
Type name of entity

Date: 2/27/92

By:

Title: VP General Mgr.

Attest:

By:

Title:

(CORPORATE SEAL)

Agent Authorized to Accept Service on Behalf of Above-signed Party:

Name: Robert D. Mowrey

Title: _____

Address: Alston & Bird
1201 West Peachtree Street
Atlanta, Georgia 30309-3424

Note: A separate signature page must be signed by each corporation, individual or other legal entity that is settling with the United States.